

1 Daniel W. Fox (SBN 268757)
2 **K&L GATES LLP**
3 4 Embarcadero Center, Suite 1200
4 San Francisco, CA 94111
5 Telephone: (415) 882 8200
6 Facsimile: (415) 882 8220
7 daniel.fox@klgates.com

8 Scott M. Mendel (admitted *pro hac vice*)
9 Steven M. Kowal (admitted *pro hac vice*)
10 Michael E. Martinez (admitted *pro hac vice*)
11 Lauren N. Donahue (admitted *pro hac vice*)
12 Brian J. Smith (admitted *pro hac vice*)

13 **K&L GATES LLP**
14 70 West Madison Street, Suite 3100
15 Chicago, IL 60602
16 Telephone: (312) 372 1121
17 Facsimile: (312) 827 8000
18 scott.mendel@klgates.com
19 steven.kowal@klgates.com
20 michael.martinez@klgates.com
21 lauren.donahue@klgates.com
22 brian.j.smith@klgates.com

23 *Attorneys for Defendants Nichicon Corporation*
24 *and Nichicon (America) Corporation*

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UNITED STATES COURT
NORTHERN DISTRICT OF CALIFORNIA

**IN RE CAPACITORS ANTITRUST
LITIGATION**

**THIS DOCUMENT RELATES TO:
DIRECT PURCHASER CLASS ACTION;
FLEXTRONICS INTERNATIONAL USA,
INC.'S INDIVIDUAL ACTION**

Master file No. 3:14-cv-03264-JD

**STIPULATION AND [PROPOSED]
ORDER REGARDING REVISED
SCHEDULING OF PHASE II FTAIA
SUMMARY JUDGMENT MOTIONS AS
TO FLEXTRONICS**

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2 WHEREAS Plaintiff Flextronics International USA, Inc. (“Flextronics”) and the “Flextronics
3 Defendants”¹, by and through their counsel, previously stipulated to a Phase II FTAIA summary
4 judgment briefing schedule as to Flextronics consistent with the parties’ expectations regarding
5 ongoing discovery necessary to the efficient resolution of Flextronics’s claims without impacting the
6 overall progress of this consolidated litigation (*see* Dkt. # 1410);
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8 WHEREAS the Court approved and adopted the briefing schedule jointly proposed by the
9 parties and set a hearing on the motions for July 6, 2017 (*see* Dkt. # 1412);

10 WHEREAS Flextronics and the Flextronics Defendants have repeatedly met and conferred
11 since that stipulation in an effort to resolve the several complex discovery issues remaining to be
12 completed in order to allow for a full and proper briefing of the Phase II FTAIA summary judgment
13 issues unique to Flextronics;
14

15 WHEREAS the completion of several components of necessary discovery, including the
16 depositions of a key Flextronics witness, has been delayed due to unforeseeable circumstances;

17 WHEREAS Flextronics and the Flextronics Defendants agree that completion of necessary
18 discovery cannot be completed within the current briefing schedule;

19 IT IS HEREBY STIPULATED AND AGREED by and between counsel for Flextronics and
20 the Flextronics Defendants that the Phase II FTAIA briefing and hearing schedule in the Flextronics
21 action be revised to proceed as follows:
22

23
24 ¹ The “Flextronics Defendants” consist of KEMET Corporation; KEMET Electronics Corporation;
25 Nippon Chemi-Con Corporation; United Chemi-Con, Inc.; Hitachi Chemical Co., Ltd.; Hitachi AIC
26 Inc.; Hitachi Chemical Co. America, Ltd.; Nichicon Corporation; Nichicon (America) Corporation;
27 AVX Corporation; Rubycon Corporation; Rubycon America Inc.; ELNA Co., Ltd.; ELNA America
28 Inc.; Matsuo Electric Co., Ltd.; TOSHIN KOGYO Co., Ltd.; Holy Stone Enterprise Co., Ltd.;
Milestone Global Technology, Inc. (D/B/A HolyStone International); ROHM Co., Ltd.; ROHM
Semiconductor U.S.A., LLC; Okaya Electric Industries Co., Ltd.; Okaya Electric America Inc.;
Taitso Corporation; Taitso America, Inc.; Shinyei Kaisha; Shinyei Technology Co., Ltd.; Shinyei
Capacitor Co., Ltd.; Shinyei Corporation of America, Inc.; Nitsuko Electronics Corporation; Nissei
Electric Co., Ltd.; Soshin Electric Co., Ltd.; Soshin Electronics of America, Inc.; Shizuki Electric
Co., Inc.; and American Shizuki Corporation (collectively, the “Flextronics Defendants”).

- The Flextronics Defendants' opening brief shall be due May 22, 2017;
- Flextronics' response shall be due June 29, 2017;
- The Flextronics Defendants' Reply shall be due on July 28, 2017;
- The hearing on the Phase II FTAIA summary judgment motions as to Flextronics currently scheduled for July 6, 2017 be vacated and rescheduled consistent with this stipulation as the Court deems appropriate.

The undersigned parties jointly and respectfully request that the Court enter this stipulation as an order.

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4 Dated: April 11, 2017

/s/ Michael E. Martinez

5 Scott M. Mendel
6 Steven M. Kowal
7 Michael E. Martinez
8 Lauren N. Donahue
9 Brian J. Smith
10 **K&L GATES LLP**
11 70 West Madison Street, Suite 3100
12 Chicago, IL 60602
13 T: (312) 372-1121
14 F: (312) 827-8000
15 scott.mendel@klgates.com
16 steven.kowal@klgates.com
17 michael.martinez@klgates.com
18 lauren.donahue@klgates.com
19 brian.j.smith@klgates.com

20 *Attorneys for Defendants Nichicon Corporation*
21 *Nichicon (America) Corporation*

/s/ Bruce D. Sokler

16 Bruce D. Sokler
17 **MINTZ LEVIN COHN FERRIS**
18 **GLOVSKY AND POPEO PC**
19 701 Pennsylvania Avenue NW Suite 900
20 Washington, DC 20004
21 T: 202-434-7303
22 F: 202-434-7400
23 bdsokler@mintz.com

24 *Attorneys for Defendant AVX Corporation*

/s/ Heather S. Tewksbury

23 Heather S. Tewksbury
24 **WILMER CUTLER PICKERING HALE**
25 **AND DORR, LLP**
26 950 Page Mill Road
27 Palo Alto, CA 94304
28 T: 650-858-6134
F: 650-858-6100
heather.tewksbury@wilmerhale.com

Attorney for Defendants Elna Co. Ltd. and Elna America Inc.

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/s/ Chul Pak
Chul Pak (admitted pro hac vice)
Jeffrey C. Bank (admitted pro hac vice)
Justin A. Cohen (admitted pro hac vice)
**WILSON SONSINI GOODRICH &
ROSATI**
Professional Corporation
1301 Avenue of the Americas, 40th Floor
New York, NY 10019
T: 212-497-7726
F: 212-999-5899
cpak@wsgr.com
jbank@wsgr.com
jcohen@wsgr.com

*Counsel for Defendants, Hitachi Chemical Co.,
Ltd., Hitachi Chemical Co. America, Ltd., and
Hitachi AIC Inc.*

/s/ Eric P. Enson
Jeffrey A. LeVee
Eric P. Enson
Rachel H. Zernik
JONES DAY
555 South Flower Street, Fiftieth Floor
Los Angeles, CA 90071.2300
T: 213-489-3939
F: 213-243-2539
jlevee@JonesDay.com
epenson@JonesDay.com
rzernik@JonesDay.com

*Counsel for Defendants Holy Stone Enterprise
Co., Ltd. Holystone International, and Vishay
Polytech Co., Ltd.*

/s/ Bonnie Lau
Bonnie Lau
DENTONS US LLP
One Market Plaza, Spear Tower, 24th Floor
San Francisco, CA 94105
T: 415-882-5000
F: 415- 882-0300
bonnie.lau@dentons.com

*Attorney for Defendant Matsuo Electric Co.,
Ltd.*

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27
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/s/ Belinda S Lee
Belinda S Lee
Ashley M. Bauer
LATHAM & WATKINS LLP
505 Montgomery Street, 20th Floor
San Francisco, CA 94111
T: 415-391-0600
F: 415-395-8095

Attorneys for Defendant Nitsuko Electronics Corporation

/s/ Darrell Prescott
Darrell Prescott
Catherine Stillman
BAKER & MCKENZIE LLP
452 Fifth Avenue
New York, NY 10018
T: 212-626-4476
F: 212-310-1637
darrell.prescott@bakermckenzie.com
catherine.stillman@bakermckenzie.com

Meghan E. Hausler
BAKER & MCKENZIE LLP
2300 Trammell Crow Center
2001 Ross Avenue
Dallas, TX 75206
T: 214-965-7219
F: 214-965-5937
meghan.hausler@bakermckenzie.com

Attorneys for Defendants Okaya Electric Industries Co., Ltd. and Okaya Electric America, Inc.

/s/ Michael F. Tubach
Michael F. Tubach
Megan L. Havstad
O'MELVENY & MYERS LLP
Two Embarcadero Center, 28th Floor
San Francisco, CA 94111-3305
T: 415-984-8700
F: 415-984-8701
mtubach@omm.com
mhavstad.@omm.com

1
2 Kenneth R. O'Rourke
3 **O'MELVENY & MYERS LLP**
4 400 South Hope Street, 18th Floor
5 Los Angeles, CA 90071
6 T: 2130-430-6000
7 F: 213-430-6407
8 korourke@omm.com

9 *Attorneys for Defendants ROHM Co., Ltd. And*
10 *ROHM Semiconductor U.S.A., LLC*

11 /s/ Djordje Petkoski
12 Djordje Petkoski
13 **HUNTON AND WILLIAMS LLP**
14 2200 Pennsylvania Avenue, NW
15 Washington, DC 20037
16 T: 202-955-1500
17 dpetkoski@hunton.com

18 *Attorneys for Defendants Rubycon Corporation*
19 *and Rubycon America Inc.*

20 /s/ Joseph J. Bial
21 Joseph J. Bial
22 Eric R. Sega
23 **PAUL, WEISS, RIFKIND, WHARTON &**
24 **GARRISON, LLP**
25 2001 K Street, NW
26 Washington, DC 20006-1047
27 jbial@paulweiss.com
28 esega@paulweiss.com

Attorneys for Defendants United Chemi-Con,
Inc. and Nippon Chemi-Con Corporation

/s/ Gaspare J. Bono
Gaspare J. Bono
Stephen M. Chippendale
Claire M. Maddox
Eric Y. Wu
DENTONS US LLP
1900 K St., NW
Washington, DC 20006
T: 202-496-7500
F: 202-496-7756
gap.bono@dentons.com
steve.chippendale@dentons.com
claire.maddox@dentons.com
eric.wu@dentons.com

1 Andrew S. Azarmi
2 **DENTONS US LLP**
3 Spear Tower, One Market Plaza, 24th Fl.
4 San Francisco, CA 94105
5 T: 415-267-4000
6 F: 415-356-3873
7 andrew.azarmi@dentons.com

8 *Attorneys for Defendants Shinyei Kaisha,*
9 *Shinyei Technology Co., Ltd., Shinyei Capacitor*
10 *Co., Ltd., and Shinyei Corporation of America,*
11 *Inc.*

12 /s/ C. Dennis Loomis
13 C. Dennis Loomis
14 **BAKER & HOSTETLER LLP**
15 11601 Wilshire Boulevard, Suite 1400
16 Los Angeles, CA 90025-
17 cdloomis@bakerlaw.com

18 John R. Fornaciari
19 **BAKER & HOSTETLER LLP**
20 1050 Connecticut Ave., NW, Suite 1100
21 Washington, D.C. 20026
22 jfornaciari@bakerlaw.com

23 *Attorneys for Defendants Soshin Electric Co.,*
24 *Ltd. and Soshin Electronics of America, Inc.*

25 /s/ Jarod M. Bona
26 Jarod M. Bona
27 Aaron R. Gott
28 **BONA LAW PC**
4275 Executive Square, #200
La Jolla, CA 92037
T: 858-964-4589
F: 858-964-2301
jarod.bona@bonalawpc.com
aaron.gott@bonalawpc.com

Attorneys for Defendants Taitsu Corporation
and Taitsu America, Inc.

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4
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23
24
25
26
27
28

/s/ Charles E. Tompkins
Charles E. Tompkins
Eric R. Lifvendahl
Paul J. Ripp
Anthony J. O'Neill
WILLIAMS MONTGOMERY & JOHN LTD.
233 S. Wacker Dr., Suite 6100
Chicago, IL 60606
T: 312-443-3200
F: 312-630-8500

Attorneys for Flextronics International USA, Inc.

Mark D. Flanagan (Bar No. 130303)
WILMER CUTLER PICKERING HALE AND DORR LLP
950 Page Mill Road
Palo Alto, CA 94304
Telephone: (650) 858-6047
Facsimile: (650) 858-6100
Mark.Flanagan@wilmerhale.com

Adam R. Prescott (admitted *pro hac vice*)
WILMER CUTLER PICKERING HALE AND DORR LLP
1975 Pennsylvania Ave., NW
Washington, DC 20006
Telephone: (202) 663-6048
Facsimile: (202) 663-6363
Adam.Prescott@wilmerhale.com

Allyson T. Fortier (Bar No. 287291)
WILMER CUTLER PICKERING HALE AND DORR LLP
350 S. Grand Ave., Suite 2100
Los Angeles, CA 90071
Telephone: (213) 443-5300
Facsimile: (213) 443-5400
Allyson.Fortier@wilmerhale.com

Counsel for Defendant Nissei Electric Co., Ltd.

1 Pursuant to Local Rule 5.1(i)(3), I attest that all other signatories listed, and on whose behalf
2 the filing is submitted, concur in the filing's content and have authorized in writing.

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4 Dated: April 11, 2017

/s/ Michael Martinez

Michael Martinez

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

Honorable James Donato
United States District Court Judge